Supreme Court, U.S.
FILED

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No. _____

IN THE
SUPREME COURT OF THE UNTIED STATES

OCTOBER TERM, 2000

CRAIG R. TWEEDY,
Petitioner,

vs.

STATE OF OKLAHOMA ex rel.
OKLAHOMA BAR ASSOCIATION,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE OKLAHOMA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI REVIEW

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August 13, 2001

86 pp.

THE ISSUES PRESENTED

The Opinions below abrogated due process of law by adopting the use of Rule 7.7, without notice, to exclude evidence of three actual record claims and suspend Petitioner for litigation imposed by judicial fiats in federal court, all without dispute. The Petitioner had violated protocol by challenging circuit law clerk protection for the judicial fiats. The due process denied by the undisputed scheme of high level fraud suggests law clerk influence in this Court and introduces issues of vital importance to the Republic:

1. If the unearthed use of Rule 7.7, without notice, abrogated due process and the law of land in enforcing federal judicial fiats by undisputed fraud, without relief granted, does not the orchestrated scheme require law clerk influence at this Court? If so, can the Court, rights and due process be protected, if the Justices read law clerk notes, but not this actual Petition?

2. If a state bar and supreme court subverted truth, due process and the law of the land to suspend an attorney for having challenged circuit law clerk protection for judicial fiats imposing different claims than filed, does this warn that the So Help Me GOD Duty to defend the Constitution violates protocol? If so, does this signal and also cc nfess the inside means, in practical effect, to retire the Constitution, rule of law, due process and function of this Court, at will?

3. Have three actual record claims and fundamental law unearthed the high crimes by inside fraud having operated, at will, in courts and bar associations created to protect rights and public interests? If so, has truth and law flushed out an unattended constitutional crisis and inside danger to the systems of law and rights of we, the people, absent check and balance safeguards against government power by inside corruption?

STATEMENT OF PARTIES

The caption contains the names of all parties to the proceeding below.

TABLE OF CONTENTS

Issues Presented	i
Statement of Parties	ii
Table of Authorities	iii, iv
The Opinions Below	i, 1, 2, 6-12
Statement of Jurisdiction	2
Constitutional Provision, Statutes, and Rules Involved	2
Statement of the Case	4
Preliminary Statement	4
The Undisputed Record Facts and Opinions Below	6
The Undisputed March 13, 2001 Motion to Vacate, Undisputed 7	7
The May 4, 2001 Petition for Rehearing, Undisputed	8
Substantiality of Questions Presented	9
Reasons for Granting the Writ	13

Conclusion 15

Appendix of Document Attached App 1-66

TABLE OF AUTHORITIES

Commissioner of Internal Revenue
v. Sunnen (1948), 333 U.S. 591, 597,
68 S.Ct. 715, 719 11

Cone v. Harris (Okl. 1924), 230 P2d 721 12

Hazel-Atlas Glass Co. v. Hartford-Empire Co.
(1944), 322 U.S. 238, 64 S.Ct. 997 9-11, 14

Isaiah 5:20 14

Marshall v. Jerrico (1980), 446 U.S. 238,
100 S.Ct. 1610 11

Nudd v. Burrows (1875), 91 U.S. 426,
23 Led 286, 290 11

Selling v. Radford, 243 U.S. 46,
37 S. Ct. 377 (1917) 9, 11

Universal Oil Products Co. v. Root Refining Co.
(1946), 328 U.S. 575, 66 S.Ct. 1176 15

Windsor v. McVeigh (1876), 93 U.S. 276,
23 Led 914 10

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES

United States Constitution, 14th Amendment 2

28 U.S.C. § 1257(a) 2

Supreme Court Rule 15(2) 2, 12, 14

Title 5, Oklahoma Statutes, Laws 1910, §2,
The So Help Me GOD
Oath of Attorneys i, 2, 6, 12, 13

Rule 7.7(b), Oklahoma Rules Governing
Disciplinary Procedure i, 3, 5-12, 13

PETITION FOR WRIT OF CERTIORARI

THE OPINIONS BELOW

The May 9, 2000 Opinion of the Oklahoma Supreme Court, 2000 OK 37, suspended this Petitioner from practice for six (6) months, in consolidated Case Nos. SCBD 3878 and SCBD 4243 styled, State of Oklahoma ex rel. Oklahoma Bar Association, v. Craig R. Tweedy, It suspended him in denial of due process for litigation imposed by judicial fiats in federal court, after adopting the fraudulent Respondent ("Bar") tactics excluding evidence of the claims actually filed for his clients, **all without dispute**.

The suspension was stayed, pending writ relief sought from this Court in Petition No. 00-868, which presented the fraud, due process denied and suggestion of law clerk influence, **without dispute**. When certiorari was denied, the Motion to Vacate (App at 21) the May 9, 2000 Opinion was filed. It presented unearthed the use of Rule 7,7, without notice, in denial of due process by fraud, **without dispute** (App at 36). The April 23, 2001 Opinion refused due process and fraud relief, **without explanation** (App at 42). The clarifying petition for rehearing (App at 44) was likewise **undisputed** (App at 51), but denied, **without explanation**, by the May 14, 2001 Opinion (App at 58), which directed the six (6) month suspension to commence on May 18, 2001. The requested stay pending writ relief from this Court was denied on May 25, 2001.

Application No. 00-114, as filed on June 26, 2001, urged a stay on due process grounds and predicted law clerk influence at this Court, as did Petition No. 00-868. Yet the stay was denied on June 27, 2001, in the name of Justice Brenner. The renewed Application to Justice Thomas, as designated letter request to the Clerk, has been filed, simultaneously with this Petition on August 13, 2001.

STATEMENT OF JURISDICTION

The May 9, 2000 Opinion below was stayed until the May 14, 2001 Opinion directed the six (6) month suspension to commence on May 18, 2001. All available relief below has been denied. The jurisdiction of this Court is timely invoked, pursuant to 28 USC §1257(a) and the Fourteenth Amendment to the Constitution.

THE CONSITUTIONAL PROVISION, STATUTES AND RULES INVOKED.

The jurisdiction of this Court is invoked under the Fourteenth Amendment to the Constitution of the United States, which provides, in pertinent part, that:

> No state shall * * deprive any person of life, liberty, or property, without due process of law, nor deprive any person within its jurisdiction the equal protection of the laws.

The jurisdiction of this Court is also invoked under 28 U.S.C. § 1257(a), which provides, in pertinent part, that:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where * * any title, right, privilege, or immunity is specially set up or claimed under the Constitution * *.

The undisputed case facts and Issues Presented aptly invoke Supreme Court Rule 15(2), which provides, in pertinent part, that:

> * * the brief in opposition should address any perceived misstatement of fact or law in the petition * * Counsel are admonished that they have an obligation to the Court

to point out in the brief in opposition, and not later, any perceived misstatements made in the petition. * *

This matter arose from and moves forward under the So Help Me GOD Duty imposed, in part, by Title 5, Oklahoma Statutes, Laws 1910, §2. which provides that:

> Upon being permitted to practice law as attorneys and counselors at law, they shall, in open court, take the following oath: You do solemnly swear that you will support, protect and defend the Constitution of the United States; and the Constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, due or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in the court according to your best learning and discretion, with all good fidelity as well to the court as to your client, so help you God. [Emphasis added]

This matter and the Issues Presented center on the use and abuse of Rule 7.7(b), Oklahoma Rules Governing Disciplinary Procedure, without notice, which abrogate the notice, show cause and other due process safeguards against comity afforded by Rule 7.7, as follows:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, except contempt proceedings, by the highest court of another State or by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the Chief Justice shall direct the lawyer to appear before the

Supreme Court at a time certain, not less than ten (10) days after mailing of notice, and show cause, if any he/she has, why he/she should not be disciplined. The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer may submit a certified copy of the transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting a recommendation of discipline. [Emphasis added]

STATEMENT OF THE CASE

Preliminary Statement

Undisputed record truths are taught by three actual record claims and fundamental law, **without dispute.** Those truth establish the Issues Presented and high level orchestrations of government power inside fraud. The Bar must no longer remain silent, without being directed to speak.

The unearthed truths need no disguise, except by the corrupt, at high levels. The Constitution, rule of law and rights of we, the people, stand in harms way from the unchecked government power bragged below. The present danger has been forced by three actual record claims and law to be confessed, **without dispute**, the huge fact unearthed by this vehicle of public power.

Three actual record claims show, without dispute, the different litigation forged by judicial fiats in federal court,

then used to suspend the Petitioner for violating protocol. This fact arises from the extensive briefs and federal court documents filed of record with the Court below and outlined by the May 30, 2000 Petition for Rehearing (App at 1, 10-15).

Commencing in 1982, Goodyear, Union Pacific and American Airlines, the 1991 grievants below, were protected in sequence, by unlawful power, from the actual claims filed for clients by the Petitioner. Judicial fiats imposed frivolous litigation as being filed by the Petitioner (Id at 10-15), **like changes apples into oranges**. The fiats were protected on appeal by circuit law clerk fraud (Id at 5-6). This law clerk key to the fraud scheme was challenged by this Petitioner, an intolerable protocol violation. This spawned the **ethics** charges and fraud plan below. The Bar charged him for filing the litigation forged by federal fiat. This required res judicata benefit for the fiats, the fraud benefit prohibited by fundamental law. This unlawful tactic was challenged prior to the **ethics** hearing before the Bar's Tribunal on March 3, 1999.

The Petitioner was suspended for frivolous litigation forged by federal fiat. The abuse of res judicata was veiled by the use of Rule 7.7, without notice, to preclude evidence of and witness testimony to the actual record claims filed. All Tribunal conclusions were based on this use and abuse of Rule 7.7, without notice. This use was withheld by the Tribunal Report to the Court below, which adopted the use of Rule 7.7, without notice. in violation of due process and the law of the land. The once veiled fraud scheme was shown and unearthed, **without dispute,** while relief from the undisputed fraud and due process voidness was denied, **without explanation**.

This suspension in gross denial of the due processes of law warned that the So Help Me GOD Duty to defend the Constitution will not be tolerated. The warning confessed that this High Duty threatens high level protection for

powerful wrongdoers in the courts and bar associations, absent fundamental safeguards.

With respect the Court, this suspension warning was not orchestrated, absent law clerk influence in place at this Court. It bragged the inside power and influence to retire the Constitution, rights, the rule of law and function of this Court, in practical effect, at will.

This scheme of high level power was forced to be confessed by the March 13, 2001 Motion to Vacate (App at 21) and subsequent record documents, **without dispute**.

Three actual record claims and the law of the land have unearthed use of Rule 7.7, without notice. This worked to flush out the scheme of inside fraud establishing the Issues Presented. Those truths are now public, even if for awhile, law clerks do not afford to the Justices of this Court an opportunity to read this Petition, **as predicted** by both parties.

The Undisputed Record Facts and Opinions Below

The fraudulent and arbitrary use of Rule 7.7, without notice, was adopted by the May 9, 2000 Opinion below, 2000 OK 37. It denied due process by suspending this Petitioner for frivolous litigation imposed by federal fiat, while excluding evidence of the actual record claims filed for his clients, **all without dispute.**

The May 30, 2000 Petition for Rehearing (App at 1), presented the Bar fraud and res judicata benefit to the fraud of the federal fiats in abrogation of due process and fundamental law, **without dispute.** But as of said filing, the pro se Petitioner had not yet recognized the veiled use of Rule 7.7, without notice, which use had been withheld by the Tribunal Report to the defrauded Court below. Relief was denied, but the suspension was stayed, pending the writ relief sought from this Court.

The use of Rule 7.7, without notice, was unearthed by counsel in preparing the Petition for Writ Certiorari to this Court in No. 00-868. Said Petition No. 00-868, like the Petition for Rehearing (App at 10-15), presented three actual record claims, compared to the litigation imposed by the federal fiats in changing apples into oranges. Said petition established the fraud scheme and violations due process and fundamental law, and suggested law clerk influence at this Court, **all without dispute**. The Bar waived any response on January 2, 2001. Under Supreme Court Rule 15(2), supra, and the doctrine of admissions by silence, the failure of the duty of the Bar to speak effectively confessed the entire scheme of power by inside fraud.

The March 13, 2001 Motion To Vacate, Undisputed

Upon certiorari being denied, the Petitioner filed his March 13, 2001 Motion to Vacate (App at 21) the May 9, 2000 Opinion below. The Motion unearthed to the Court below its adopted use of Rule 7.7, without notice, in denial of any due process opportunity to be heard. It showed that this use had precluded the testimony by former clients concerning their actual record claims and what happened in federal court. Yet this substantive evidence in defense was entitled by the rules violations charged and, ironically, by the "show cause" defenses afforded by Rule 7.7 itself, supra. The Motion quoted and explained that the Rule 7.7 requires "ten (10) days" notice and that its procedures are not authorized for use by the Bar's Tribunal. From the arbitrary and fraudulent uses of Rule 7.7, without notice, the Petitioner reasoned that he had "raised hackles at high levels."

The Motion also presented these unveiled, gleaned, pieced together rulings by the hearing Tribunal in abuse of Rule 7.7, due process and fundamental law:

"I'm not restricting your defense, but your defense is to what's mitigating." [Tr. I, pp. 24-25, 31, 51-53, Tr. II, p. 51]. "In light of the **Rule 7.7**, our only duty here today is to determine the discipline, the nature and extent of the discipline" [Tr. I, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87]. "The matter has been adjudicated and the federal court has found that you committed violations of professional responsibility. You violated their rules and **we're really here** to impose discipline." [Id. p. 90]

This unearthed scheme of fraud by use of Rule 7.7, without notice, in abrogation of due process and fundamental law was wholly **undisputed** by the specious March 16, 2001 Bar Response (App at 36), So the March 24, 2001 Reply (App at 38) urged the Court below to justly direct the Bar to "respond to the Motion to Vacate in a substantive and genuine manner or confess it."

Yet the Motion to Vacate was denied by the April 23, 2001 Opinion below, **without explanation** (App at 42). No rational judicial explanation could be made as to why the **undisputed** due process voidness, fraud and utter defiance of fundamental law did not invalidate the suspension edict of May 9, 2000.

The May 4, 2001 Petition for Rehearing, Undisputed.

The May 4, 2001 Petition for Rehearing (App at 44) and May 15, 2001 Reply (App at 53) clarified that the Tribunal Report had fraudulently withheld its use of Rule 7.7, without notice, as adopted by the May 9, 2000 Opinion in violation of due process. This clarification of the fraud and due process voidness was undisputed by another specious Bar Response on May 8, 2001.(App at 51).

And the Petition for Rehearing was denied by the May 14, 2001 Opinion (App at 58), **without explanation**. The

Court below remained silent as to why the suspension was not void for the due process denied and invalid for the fraud shown, **without dispute** by the Bar. Yet this May 14, 2001 Opinion directed the clearly void suspension to take effect on May 18, 2001 and threatened sanctions for further filings.

The May 17, 2001 Motion to Suspend Effectiveness (App at 59), pending writ relief to this Court, outlined the record use of Rule 7.7, without notice, in preclusion of actual record claim evidence and any due process opportunity to be heard, while noting that "want of notice or opportunity to be heard" denies due process, Selling v. Radford (1917), 243 US 46, 37 SCt. 377, 379.

The undisputed record of the fraud and due process voidness was abundantly clear, but a stay from the fraudulent imposed and void suspension was refused by the May 25, 2001 Opinion (App at 63), which again threatened sanctions for further filings.

SUBSTANTIALITY OF QUESTIONS PRESENTED

The truths carried forward by three actual record claims and law stand in defense of the Constitution, while the undisputed record establishes the Issues Presented.

The assumption of law clerk and bar association honesty, absent safeguards, has enabled the high level system of government power by inside fraud, as now flushed out, undisputed and effectively confessed of record.

"Truth needs no disguise," declared in Hazel-Atlas v. Hartford (1944), 322 US 239, 64 SCt 997, 1001-1002. In attending a scheme of patent fraud, this Court set the judicial standard squarely in point to the high scheme at bar:

> Every element of fraud here disclosed demands the exercise of the historic power of equity * * Here * * we find a deliberately planned and carefully executed scheme to defraud [rights and the courts] * * tampering with the administration of justice in the manner

indisputably shown here involves far more than an injury to a single litigant. * * The public welfare demands that agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. (Parenthetical and Emphasis added). Id.

This Hazel-Atlas standard and three actual record claims founded the stands taken against the judicial fiats and circuit law clerk concert in federal court, as in the writ relief sought from this Court in Burggraf vs. Goodyear, No. 86-25; and Tweedy vs. American Airlines, No. 93-1746; as before the Court below, and in Craig Tweedy vs. Oklahoma Bar, No. 00-868.

This foundation of truth and judicial duty has been circumvented in the courts. The use of Rule 7.7, without notice, advanced and protected the scheme of inside fraud in abrogation of due process and the law of the land. When unearthed and forced, the fraud scheme was undisputed, but ignored as being immaterial.

The fraud scheme could be undisputed and yet move forward, because of means in place to cause the courts to become "mute and helpless victims of deception and fraud," absent safeguards against corruption from within.

The Bar use of Rule 7.7, without notice, as adopted by the Opinions below, instructed the Petitioner to, in effect, "appear and you will be heard and when he appears, saying, your appearance will not be recognized, and you will not be heard * * a mere arbitrary edict." Windsor v. McVeigh (1876), 93 U.S. 276, 23 Led 914, 918.

Absent the opportunity to present actual record claim evidence, the adopted use of Rule 7.7, without notice, suspended the Petitioner by "edict" for litigation imposed by fiat. This use defied exceptions to res judicata for "fraud or some other factor invalidating the judgment," as reasoned by this Court in Commissioner of Internal Revenue v. Sunnen (1948), 333 U.S. 591, 597, 69 SCt. 715, 719. This use and

edict defied the concept that, "Fraud destroys the validity of everything into which it enters." Nudd v. Burrows (1875), 91 U.S. 426, 23 Led 286, 290; particularly when, "a judge himself is a party to the fraud," Cone v. Harris (Okl. 1924), 230 P2d 721, 723.

This use and edict defied the due process safeguards afforded by Rule 7.7, supra, and imposed in Selling v. Radford (1917), 243 U.S. 46, 37 S.Ct. 377, where this Court recognized an attorney's due process opportunity to show cause for one jurisdiction to deny comity to another. In Selling, 37 S.Ct. at 379, the Court reasoned that comity must be denied, if one of these defeats appears: "1) That the ** procedure, from want of notice or opportunity to be heard, was wanting in due process * * 3), that some other grave reason existed * * Id. at 370 (emphasis added).

This suspension "edict," absent notice and an opportunity to defend with truth, did not arise from "an impartial and disinterested tribunal." Marshall v. Jerrico (1980), 446 U.S. 238, 243, 100 SCt. 1610, 1613. It reversed and defied the guarantee that due process "will not be taken on the basis of an erroneous or distorted conception of fact or the law" Id.

This "edict" made arbitrary use of Rule 7.7, without notice, to suspend the Petitioner for litigation forged by federal fiats and the related high crimes, so protected.

Under the Hazel-Atlas standard, this "tampering with the administration of justice * * involves far more than an injury to a single litigant," the Petitioner. The "indisputable" truth of this "tampering" arises from three actual record claims and the law of the land being targeted and negated in the "mute and helpless" courts.

This "tampering" was presented, without dispute, by Petition No. 00-868, along with the suggestion of law clerk protection being in place at this Court, else it would not have happened.

The Bar silence has effectively confessed the fraud scheme and essential law clerk protection, under the doctrine

of admissions by silence, when one has a duty to speak, as under Supreme Court Rule 15(2), supra.

Moreover, by unearthing the once veiled use of Rule 7.7, without notice, in the fraud scheme, the Motion to Vacate (App at 21) and Petition for Rehearing (App at 44) forced the silence and muteness operating to effectively confess the Issues Presented and to ratify Issue 3 to previous Petition No. 00-868, which Issue 3 spoke that:

> When a state bar association, ethics hearing panel and state supreme court must defy the law of the land to suspend an attorney for confronting fraud in federal court, does this suggest to attorneys in all states that So Help Me GOD Duties do not apply at certain levels? If so, does this suggest an unattended constitutional crisis and present danger to we, the people?

All Issues are established by the unearthed fraud scheme and use of Rule 7.7, without notice, being **wholly undisputed** by the specious Bar responses (App at 36, 51). This adopted use of Rule 7.7 had precluded actual record claim evidence, so the Court below could not rationally explain why its May 9, 2000 suspension edit for litigation forged by judicial fiats did not deny due process, by fraud. So the Opinions below (App at 42, 58) affirmed the Issues Presented by twice refusing relief from the undisputed fraud and due process voidness, **without explanation.**

The confessions by silence below are deafening.

If a fair hearing had been initially afforded, the truths taught by three actual record claims and law would have been important, but limited. Truth would have exposed the Bar intent to protect the scheme of judicial fiat and circuit law clerk fraud from So Help Me GOD stands in defense of the Constitution and client rights.

Now those truths establish the Issues Presented, if law clerks afford to the Justices of the Court an opportunity to read this actual Petition.

REASONS FOR GRANTNG THE WRIT

This Petitioner, armed with three actual record claims, law and the Due Process Clause, stands in forthright defense of the Constitution and rights of we, the people and 95% of the business community from the undisputed power by inside fraud establishing the Issues Presented.

The Issues established and forced to be confessed introduce high level orchestrations of power above law in the courts and bar associations created to protect rights and the public interests. Its like Robber Baron power renewed by the Trojan Horse means of cunning students of history, under media blackouts.

As marked and taught by three actual record claims, this power worked its will in the courts for 19 years, unchecked. And, since at least 1993, it has been protected by major media blackouts and by strong appearances of FBI and Justice Department stonewalling.

For instance, one underlying fiat protected the Union Pacific from its willful wrongs by causing "a public railroad crossing" to became a "private crossing," where this Petitioner's damaged clients became undamaged "private crossing" trespassers, without recourse. Yet this and two like fiats based the Bar attack and suspension edict. Those orchestrations of government power by inside fraud did not happen, without the above said protection and assured law clerk protection in place at this Court.

The suspension edict and warning against So Help Me GOD stands in defense of the Constitution speaks a great irony. It admits that such stands threaten to restore check and balance safeguards, the Due Process Clause, the rights of we, the people, and the moral rule of law at all levels, even to multinational entities, like the grievants below.

The Issues Presented announce darkly engineered voids in the checks and balances of power designed to enable the Republic to protect the individual rights, religious

liberties and moral standards, as endowed by GOD, for we, the people, from the regal powers of Man.

This form of regal power, as once veiled at high levels, is now unearthed by the indisputable record truths empowering the Issues Presented and we, the people, in the task of restoring our Republic, if rights, the Constitution and Due Process Clause are to have real meaning.

An issued writ will enable the Court to defend the Constitution by completing the test of truth for the facts and law establishing the Issues Presented.

The Bar should not be permitted to remain silent. without being directed to speak in required truth and candor. This legal ethics agency owes the duty, under Supreme Court Rule 15(2), supra, to advise the Court of any perceived misstatements of material fact or law in this Petition.

Truth needs no disguise. For this test of truth, the Bar should speak to the Court and public with genuine, lawful and ethical reasons: 1) for excluding three actual record claims from evidence; 2), why fraud and due process denials are not material to defenses in legal ethics proceedings; and, 3) why the use of Rule 7.7, without notice, did not violate due process and the law of the land. If the Bar cannot so speak and remains silent, the high level scheme of power by inside fraud, as announced by the Issues Presented, will stand as undisputed public truths. The Bar will remain silent.

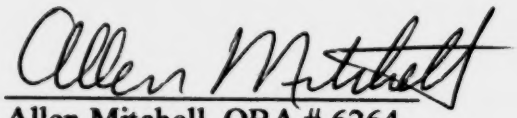
In marking the fraud scheme, three actual record claims and law have empowered this truth and May 30, 2000 prediction (App at 1. 9): "Woe be to those who call evil good * * to those acquit the guilty for a bribe and deny justice to the innocent. Isaiah 5:20.

In that vein and when ultimately informed, the Court will issue its writ to protect the rights of the present and future generations by attending the Issues Presented, under the Hazel-Atlas standards. The Court will so protect the Constitution and rights with the "inherent power * to investigate whether a judgment was obtained by fraud *

[and] * "the power to unearth it effectively," Universal Oil Products Co. v. Root Refining Co. (1946), 328 U.S. 575, 580, 66 S.Ct. 1176, 1179 [Parenthetical added].

WHEREFORE, the Petitioner, Craig R. Tweedy, urges the Court to issue its writ of certiorari review and direct the Respondent, Oklahoma Bar Association, to speak.

Respectfully submitted,



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August 13, 2001

IN THE SUPREME COURT OF
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel. Oklahoma Bar Association,

Filed May 30, 2000

Complainant,

V.

SCBD No. 3878
(consol. w/SCBD No. 42431

CRAIG R. TWEEDY

Respondent.

PETITION FOR REHEARING

The Respondent, Craig Tweedy, in utmost candor, petitions the Court to rehear this matter and forthrightly protect the Court, Constitution and due process by applying the Due Process Clause to vacate the Decision of May 9, 2000. Contrary to the settled law of the land, the PRT and Court gave the res judicata and comity force prohibited for the federal district court decisions affected by the fraud and due process denials shown by the record documents and settled authorities, but unfairly excluded from the transcript and PRT Findings. By the May 9 Decision, the Court misapprehended the record, denied due process and became the res judicata and comity victim of the fraud and deceit intended by the American Airlines, Goodyear and Union Pacific grievance and 1992 the "Ethics" Complaint.

Those immutable record truths and the So Help Me GOD Oath of each Justice compel forthright stands to protect the Court, Constitution and Bill of Rights of we, the people, by remanding this matter for a full and fair hearing before an impartial panel.

The record learning keys stand in uncommon defense of those individual rights, religious liberties and moral standards of we, the people, as endowed by GOD from regal power and demand the remand for a new, full and fair hearing, no matter who may be offended!!

THE REHEARING STANDARDS OF FACT AND LAW

The law of the land prohibits res judicata and comity for the Northern District decisions infected by fraud, pretexts of jurisdiction and due process denials, all as indisputably shown by the record documents and settled authorities set forth by the Amended Answers and Answer Brief.

However, this settled law was obviated by the PRT, which denied the right to testify and call witnesses is substantive defense. This denied a fair hearing and due process, while secreting crucial truths from the transcript - garbled where this Attorney made major points.

Res judicata applies, "absent fraud or some other factor invalidating the judgment." Commissioner v. Sunnen (1948), 333 US 591, 68 SCt 715, 719.

Moreover, the May 9 Decision is void because, "due process requires that no other jurisdiction shall give effect, even as a matter of comity, to a judgment elsewhere acquired without due process," Griffin v. Griffin (1946), 327 US 220, 66 SCt 556, 560.

Accordingly, the Due Process Clause invalidates the res judicata and comity Decision of May 9, 2000 for its denial of due process and compels a new, fair and full hearing in this matter of extraordinary public and constitutional importance.

At a fair hearing, absent res judicata, the record documents, authorities and testimony will show the regal pattern and affects of inside fraud which subvert the Constitution, federal court function, rights and claims, at will. This protected Goodyear, the Union Pacific and American Airlines ("AA") in sequence, as multinational corporations, those regally annoyed by law and the rights of others - we, the people.

Truth needs no disguise, particularly in **ethics** proceedings.

In truth, federal district judges unlawfully plead for the claimants to protect the huge corporations from the actual damage claims filed. In each matter, Judges Brett or Ellison usurped power, altered the material claim facts and imposed meritless, frivolous or vexatious claims by judicial fiat - like changing apples into oranges.

Those record affects are undisputed by the OBA, except by giving res judicata benefit to the void judicial fiats and forgeries imposing the false claims – the oranges protected by the PRT!!

The May 9 Decision found, at ¶ 36, that this Attorney "testified at length on his own behalf and offered other witnesses in an effort to explain." Yes, this Attorney was called to answer artfully deceptive Complaint allegations, yes or no, to paint a false transcript.

But in fact, the PRT refused to permit this Attorney and key witnesses, his former clients and an aviation expert, to testify to personal and record knowledge of the claim facts altered.

The PRT ruled that such substantive defenses to the Complaint were precluded by the federal decisions - "we're

really here to impose discipline" (Tr I, at 90:20). "I'm not restricting your defense, but your defense is to what's mitigating (Tr II, at 21:18).

And to the settled exceptions to res judicata argued and cited (Tr I, at 10-14, 84-85; Am Ans, at 64-66), the PRT ruled that the law of the land was inapplicable to OBA ethics proceedings (Tr I, at 25-26).

By so doing, the PRT not only denied a fair hearing, but the substantive right to defend against and defeat the Rule 3.1 charges of frivolous litigation, for example, by showing the facts, record documents and settled authorities in sound support of the actual claims and litigation positions taken against the oranges imposed by fiat.

The PRT aborted law and due process by edict: You are guilty as charged. Your defense is limited to admitting unethical tactics to mitigate the discipline intended – a due process farce.

After demanding a mistrial, this Attorney adopted the Amended Answers as his testimony in defense Tr I, at 21-22) - the evidence unrebutted by the OBA.

In truth, the OBA could not support the deceptively designed Complaints and counts, absent the prohibited res judicata veil.

IN POINT, the OBA has not and CANNOT ETHICALLY show the record claim or APPLE not changed into an ORANGE in federal district court, as demanded of record by this Attorney, nor may the grievants, the MULTINATIONAL corporations, who targeted the Court with the regal affects of inside fraud, veiled with delicate lace.

Yet, the "ethics" Complaints, in effect, charged the unethical filing of and/or opposition to the oranges imposed by judicial fiat, as shown by the record claims actually filed. Those truths are what the transcript shielded from the Court. This is not SURREAL, but RECORD FACT.

Worse, those PRT denials of due process, boot-strapped to the federal denials of due process, were adopted by the May 9, 2000 Decision - the fact denying due process and compelling the remand for a fair and full hearing, under the Due Process Clause.

A fair hearing will allow the testimony, record claims and settled authorities to show the unconstitutional affects of the fraud and due process denials, otherwise confessed by the oranges imposed by judicial fiats, i.e., the important fact that nothing lawful and constitutional happened in the three Northern District matters.

The utter fraud and voidness strongly implies that Judges Brett and Ellison had no fear of detection by 10th Circuit Judge Panels, because of law clerk concert. Under Rule 34(a), FRAP, Congress permits most federal appeals to be decided by law clerks, warns NY Times and three federal appeals court judges. See article attached to Supplement to Motion for Remand.

This 10th Circuit law clerk concealment of the apples-to-oranges fiats may be soundly inferred from the 11 Document Test, an exhibit indexed to the record. The fraud claim against AA (Doc 1) had been ceded to state court by Judge Cook acting to diplomatically refuse to hear the newly discovered fraud as being "untimely" filed. And since the claim did not seek, nor need to relitigate any issue decided in federal court, the Anti-Injunction Act "absolutely prohibited" federal court jurisdiction (Ans. Br. at 29-30).

But that was mere fact and law. So an "engine overhaul" became a "turbine" engine part and the record claim or apple (Doc 1) was evaporated, not from the record, but from the attacking documents and resulting decisions (Doc 2-11).

The actual apple (Doc 1) was not mentioned by the injunctive complaint and BIG-THREE grievance (Doc 2-4), which attacked this Attorney ***in 1991*** for filing the relitigation orange imposed ***in 1992*** by Judge Brett's fiat (Doc 5), without mentioning it. Nor was it mentioned in the suspension order (Doc 6) or by the appeal decisions (Doc 7 - 11) in refusing the right of oral argument [or by the deceptive OBA complaints and specious PRT findings].

Those acting in concert could not risk oral argument - the record claim (Doc 1) exposure of the relitigation orange, fraud and judicial fiat to a panel of 10th Circuit Judges.

If circuit judges happened across Judge Brett's fiats (Doc 5) in reviewing the law clerk notes and decision, if at all, they saw a frivolous orange and appeal, not the fraud, pretext of jurisdiction and due process denials.

Yet this Attorney was sanctioned for frivolous filings, while the briefs warned that the 10th Circuit Court would be defrauded, once again, if the circuit judges did not read the actual briefs, rather than the law clerk case notes and decisions.

Nor did circuit judge panels see the threat of imprisonment for seeking appellate relief (96 Appendix, at 100) in violation of Judge Brett's injunctive fiat (Id, at 80) (Doc 5), which had sanctioned this Attorney $40,333.01 for filing the relitigation orange imposed by fiat.

Yet, from the record, seven (7) attorneys saw said threat of imprisonment and apple-to-orange fiat (Doc 5) and so signified to the 1992 Statement Opposing Grievance attached to the 11 Document Test (96 App. at 144; Ans Br. at 30-31).

Yes, Documents 2-4 bragged, in advance, the regal power to take rights, claims (Doc 5-6) and appeal rights (Doc 7-11), under res judicata, OBA and PRT protection, where this Court and the Bill of Rights for we, the people, were the ultimate victims intended.

While Documents 2-11 brag the failures of checks and balances of power engineered to enable regal power, at will, under major media/AP blackouts. This demands the attention of the Court, the PUBLIC and Congress – the way to check and balance reforms.

Based upon the record dangers seen by investigative reporters, they have been told NO news alerts for we, the people, since at least 1992. Those dangers are outlined by the exhibit attached to the Opposition to Bill of Cost - A Conversation with Joe.

Accordingly, the 1996 Test Appeal used the void suspension (Doc 6) and record apple (Doc 1) to force this regal power to the predicted protection of Reno and Clinton, upon notice, and predicted that the 10th Circuit Judges would not be permitted to see the apple (Doc 10-11), all as outlined in the Answer Brief, at pages 58-66.

This Petition, as fittingly due on Memorial Day, stands to serve we, the people, by demanding that this Court re-empower our Declaration of Independence from regal

power, the Document adopted part of the fundamental law of the land.[1]

Those major points and the fundamental issues presented by the Answer Brief explain why this Attorney is "unwilling and unable" to roll over.

The So Help Me GOD oath imposes the absolute duty to protect the Constitution and founding Judeo-Christian Principles of individual rights, religious liberties and moral standards for we, the people, from the regal abuses of government power – the regal affects victiming the Court with fraud and deceit, by res judicata and comity. Squarely in point before the presently victimized Supreme Court of Oklahoma is this landmark authority:

> Truth needs no disguise * * tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. * * The public welfare demands that agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. (Emphasis added)

Hazel-Atlas v. Hartford (1944), 322 US 239, 64 SCt 997, 1001-1002. Court have the "inherent power * * to investigate whether a judgment was obtained by fraud - the

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[1] See Gulf, C&S.F.Ry v. Ellis (1894), 165 US 150 – South Carolina v. Kutzenbach (1966), 383 US 301; 16 Am Jur 2nd, Constitutional Review 14, p. 327; Christianity And The Constitution, The Faith Of Our Founding Fathers, John Eidsmoe, Baker Press, 1987.

power to unearth it effectively." Universal Oil v. Root Refining (1946) 328 US 575, 66 SCt 1176, 1179.

In other words, "Woe be to those who call evil good * * to those who acquit the guilty and for a bribe and deny justice to the innocent." Isaiah 5:20.

In denying due process, the Court become another victim of the fraud and deceit, while multinational corporations bragged the unchecked power and covert influence to subvert fundamental law, rights, judicial function and these historic purposes of the Due Process Clause:

> Providing equal justice for the poor and rich, weak and powerful alike is an age-old problem. "Ye shall do no unrighteousness in judgment; thou shall not respect the person of the mighty; but in righteousness shalt thou judge thy neighbor. Leviticus, c. 19, v. 15." People have never ceased to hope and strive to move closer to this goal. This hope, at least in part, brought about the royal concessions of the Magna Carta: "To no one will we sell, to no one will we refuse, or delay, right or justice." (Emphasis added)

Griffin v. People of State of Illinois (1956), 351 US 12, 35, 76 SCt 585, 589.

Accordingly, the Court and Constitution need not be "mute and helpless victims of the fraud and deceit," IF the Justices, starting with one, honor their So Help Me GOD Oaths and Duties to cause this matter of landmark importance to we, the people, to be remanded for a full and fair hearing before a panel appointed by the Court, no matter who may be offended!!

"Fraud destroys the validity of everything into which

it enters," Nudd v. Burrows (1875), 91 US 426, 23 Led 286, 290; particularly when "a judge himself is a party to the fraud," Cone v. Harris (Okl. 1924), 230 P. 721, 723.

THE GOODYEAR ORANGE IMPOSED

The Burggraf Exhibits and Answer Brief, at 43-53, show the fraud and due process voidness secreted from the transcript.

In 1992, a Robinson-Patman Act claim for price discrimination and kick-backs was filed against Goodyear. The price discrimination claim was generally alleged – all that was "necessary or permissible," under the controlling authorities (Ans. Br. at 43-45). Nor was 'concrete, detailed proof " necessary (Id) for the millions of annual tire sales at issue.

While Goodyear was refusing to permit records discovery, Judge Brett ordered plaintiff to "provide" Goodyear with "all alleged instances of contemporaneous sales," within six weeks. This fiat aborted the controlling authorities and actual claims before setting the requested discovery conference (Burg. Exh 2; Ans. Br. at 44, 46).

But when secured, the reco.ds were coded and Goodyear denied having the means to decode then, while demanding summary judgment for not being "provided" the detailed fact instances. The Goodyear pled seven (7) detailed fact instances for the Plaintiff. Judge Brett imposed those seven (7) oranges for trial and dismissed the actual claims – the apples (Burg Exh. 16, 19). Yet this ousted jurisdiction for his formal Rule 41(b) dismissal of the moot and unprosecutable oranges imposed for the failure to prosecution – the impossibility designed (Id. at 39; Ans. Br, at 47-49).

This plainly aborted law and due process and nothing lawful and constitutional had happened. Yet it appears that Goodyear and Brett did not fear appellate detection.

And the OBA endorsed, rather than fairly investigating those dark affects. While the PRT shielded them by excluding the testimony of Jerry Burggraf and this Attorney from the transcript and ruling that the law of the land did not apply to ethics proceedings!!

THE UNION PACIFIC ORANGE

The Mullen Exhibits and Answer Brief, at 37-43, show more horrific takings of rights, claims and due process by regally changing material claim facts and words.

In 1985, the Union Pacific ("UP") came in with guns and heavy equipment and obstructed the county roadway crossing, the sole access to the Mullen home and trucking terminal. The UP pretended the protection of its "private crossing" from trespassers, while secreting its USDOT record (M. Exh. at 4-5) admitting the "public crossing" status and the exclusive jurisdiction of the Oklahoma Corporation Commission ("OCC"). But since OCC insiders chose not to protect the public crossing (until J. C. Watts became a Commissioner 6 years later), the UP sued Al Mullen and his trucking entity in federal court to enjoin the trespasses over its "private crossing."

In 1987, the trucking entity filed a damage counterclaim for the unlawful "public crossing" obstructions. During discovery and trial, the UP withheld its USDOT record of the "public crossing fact." And contrary to the public crossing evidence, Judge Ellison imposed a "private crossing" (M. Exh. at 1). This meant that the trucking entity had been a trespasser and its damage claim was meritless.

An orange struck again.

While urging Rule 60(b) relief from the UP fraud, Al Mullen used a fictitious name and purpose to secure from the UP Headquarters, at Omaha, its USDOT record confessing the public crossing jurisdiction of OCC (M. Exh. at 4-5). And Osage District Judge Pearman found UP fraud in county roadway litigation intended to "deceive" Judge Ellison (M. Exh. at 14. This powerful evidence, plus the state records and testimony of state officials indisputably showed the exclusive OCC jurisdiction over the "public crossing" and, in particular, the clear UP fraud on rights and the federal court. But the plain fraud and decisional voidness of the "private crossing" fiat was shielded by Judge Ellison.

Judge Ellison refused relief (M. Exh at 15). He found no convincing evidence of actual knowledge by the UP lawyers of the UP "public crossing" record, while UP fraud was the actual Rule 60(b) issue. And the UP record confessed the exclusive OCC jurisdiction over the "public crossing," which nullified the "private crossing" pretext of federal jurisdiction over the crossing.

In short, Judge Ellison endorsed the UP fraud, continued the void "private crossing" orange, and took property rights, claims and due process. Nothing lawful and constitutional had happened – simple as that.

What the UP sought, it got, without the fear of appellate detection.

Lastly, Judge Ellison had ruled that Marilyn Mullen lacked any position of interest in the trucking entity claim and excluded her from the courtroom, under the rule of sequestration. (M. Exh. at 25). Yet his "private crossing" fiat – the void orange – took her property interests unlawfully and without compensation. She had a proper and lawful

right to file state claims to protect her home and property interests.

So why were those dark facts and the testimony of Al Mullen and this Attorney excluded from the transcripts, except to protect the Complaints, deceive the Court and warn all attorneys that the So Help Me GOD Oath is inapplicable to the fraud of multinational corporations and, in particular, when it corrupts federal court function?

THE AA ORANGE, REVISITED

The 1996 Appendix, Tweedy Exhibit and Answer Brief, at 26-37, greatly assisted by the 11 Document Test assistance, show what the Court and Public need to know and attend.

In Title VII litigation, Judge Cook found, among other grounds, that Lillian Graham had damaged the turbine part 9B6198 removed from jet engine 644980 during AA's 1985 overhaul of said engine. Fraud was contended because the FAR engine records showed wide gaps and did not show her FAR signature for any work. But the underlying engine overhaul was not an issue. In her subsequent claim against AA and the Union, she sought the actual and complete 1985 FAR engine records in discovery from the FAA to prove the fraud and conspiracy alleged and show that she had not worked on turbine part 9B6198. But the FAA was deceptive.

The FAA deception sparked a criminal investigation by USDOT agents, who found and produced the actual FAR records for jet engine 644980 (96 App. at 6-8). Those records and Jack Burk, an FAA Safety Inspector, retired, provided the BIG SURPRISE of December, 1990 (Id). AA's 1985 overhaul of engine 644980 had not, in fact, happened. It was a fraudulent pretext concealed by forged FAR records

and FAA complicity. And since the engine overhaul was a pretext, no turbine part could have been removed and damaged – what AA, the Union officials and FAA knew. This showed the high level fraud and motivation. Lillian Graham has been returned from layoff as L. A Graham. So by mistake, she became "the" female among 4,500 mechanics – the mistake unlawfully targeted, hammered and fired.

Rule 60(b) relief for this discovery that the 1985 engine overhaul did not happen and was as a fraudulent pretext was promptly filed on December 24, 1990 (96 App. at 12). Ultimately, Judge Cook refused to hear this newly discovered fraud as being "untimely" filed (Id. at 14). He had diplomatically ceded the discovered claim for fraud on Lillian Graham's rights to state court. Judge Cook well knew that AA's 1985 overhaul of engine 644980 had not been an issue raised and decided.

If Ms. Graham learned of the engine overhaul pretext prior to or during trial before Judge Cook, her claim surely would have been settled. So yes, the new discovery lawfully and properly threatened AA and the FAA – big time.

In September, 1991, Lillian Graham filed her claim for the discovered fraud and injury to her rights in the District Court of Tulsa County. It stated that AA's 1985 engine overhaul was a fraudulent pretext concealed by forged FAR records and FAA complicity, upon which she had relied to her detriment (Doc 1; 96 App. at 1-3). It did not seek, nor need to relitigate any issue decided in federal court, and under the settled intent of the Anti-Injunction Act, 28 USC 2284, federal injunctive jurisdiction was "absolutely" prohibited (Ans. Br. at 29-30).

So in September, 1991, the regal assault outlined by the 11 Document Test began, even though Judge Cook had

ceded the newly discovered claim to state court. AA's injunctive complaint (Doc 2-3; 96 App. at 25, 40; Ans. Br. at 30) did not mention the actual claim (Doc 1). AA whined about the relitigation of issues decided by Judge Cook - the relitigation orange imposed six (6) months later by Judge Brett's injunctive fiat of March 31, 1991 (Doc 5, 96 App, at 80). Judge Brett usurped power to create a relitigation exception to the Act by pleading for Ms. Graham, without mentioning her actual, ceded and proper claim. He regally changed the "engine overhaul" into "turbine disk" relitigation - the orange imposed as being the state court claim enjoined, and sanctioned this Attorney for filing the orange forged by fiat (Id. at 80; Ans. Br. at 31-32).

Moreover, the PRT refused to permit the testimony of Jack Burk, the retired FAA Safety Inspector, who discovered the engine overhaul pretext, with the help of criminal investigators, and well knew about the discovered and ceded claim altered by Judge Brett. And Jack Burke was among the seven (7) attorneys who, from the record, signed the apples-to-oranges statement attached to the 11 Document Test, which shows the fraud and deceit intended against this Court.

IN CONCLUSION

Those immutable record truths arising from the three Northern District matters expose the artfully crafted OBA counts and PRT Findings designed to deceive. And by abusing res judicata, the PRT secreted from the transcript what the 11 Document Test shows, the present danger to we, the people – squarely before the Court, targeted and victimized.

The Court was targeted by Goodyear, Union Pacific, American Airlines and minions to hammer this Attorney. If this does not compliment this Attorney for his ethical and SO

Help Me GOD defenses of the Constitution and client rights, why the fraud and deceit on the Court?

Worse, the due process denials by federal fiats, the PRT and May 9 Decision signal that Ethics Codes and So Help Me GOD Oaths to defend the Constitution have small meaning.

Those immutable record truths unveil the regal power and all too quiet constitutional crisis extant. This power negates the Bill of Rights and rights of we, the people, at will, and without recourse. It darkly operates, Trojan Horse style (Tweedy Exh. at 71), from within the institutions created to protect our rights and public interests – what Congress permits, by multinational engineering.

This enables regal foxes to guard the hen house, where we, the people, our small rights and the law are the chickens and the eggs.

The multinational corporations and minions were regally annoyed by law and rights of others, so the checks and balances of power designed into the Constitution of our Republic have been evaporated, under major media/AP blackouts - the affects bragged in this matter.

Each record claim was changed into an orange by judicial fiat. Yet those unconstitutional affects were endorsed by the OBA and secreted by the PRT from the transcript and denied due process,

> like saying to a party, appear and you will be heard; and, when he appears, saying, your appearance will not be recognized, and you will not be heard * * a mere arbitrary edict.

Windsor v. McVeigh (1876), 93 US 276, 23 Led 914, 918.

The Oklahoma Supreme Court will not be the "helpless victim of the fraud and deceit" intended by the multinationals, if the Justices, starting with one, stand upon their So Help Me GOD Oaths to protect the Court and Constitution for we, the people, by causing a new, full and fair hearing, no matter the federal and OBA scandal or who may be offended.

Truth needs no disguise, when fraud and due process voidness is before the Court.

Moreover, scandal breeds reform and the "good order of society."

Based upon the due process denials shown, this Attorney, Craig Tweedy, respectfully urges the Court to grant a new hearing before a panel appointed by the Court to fairly hear the evidence of ethical violations by this Attorney, if any, absent res judicata and comity, and whether the rights of the present and future generations are at stake and rest in the hands of the Court and each Justice.

RESPECTFULLY SUBMITTED,

(s) Craig Tweedy
CRAIG TWEEDY, PRO SE
202 Wells Building
Sapulpa, OK 74066
918-224-2222

CERTIFICATE OF MAILING

I hereby certify that on May 30, 2000, a true copy of the foregoing Petition for Rehearing was deposited in the U.S. Mail, with proper postage prepaid, and addressed to

Dan Murdock, General Counsel for the Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152.

(s) Craig Tweedy

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association,
Complainant,

v.

Craig R. Tweedy,
Respondent.

Filed July 14, 2000

No. SCBD 3878
(cons. w/SCBD 4243)

ORDER

Respondent's motion for oral argument and petition for rehearing are denied.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS THIS 13TH DAY OF JUNE, 2000.

(S) Hardy Summers
Chief Justice

SUMMERS, C.J., HARGRAVE, V.C.J., HODGES, LAVENDER, OPALA, KAUGER, BOUDREAU, AND WINCHESTER, JJ., CONCUR

WATT, J., NOT PARTICIPATING.

IN THE SUPREME COURT OF
THE STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association, Filed July 14, 2000

Complainant,

V. No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

ORDER

On respondent's motion, the effectiveness of this Court's opinion filed, herein, on May 9, 2000, is suspended until expiration of time to file a petition for writ of certiorari in the United States Supreme Court or until final disposition of the certiorari petition is made by the,United States Supreme Court. During the time the opinion herein stands suspended in its effectiveness, Respondent may continue to practice law.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 13th DAY OF JULY, 2000.

(s) Hardy Summers
CHIEF JUSTICE

Summers, C.J., Hargrave, V.C.J., Hodges, Lavender, Opala, Kauger, JJ., concur.
Winchester, J., dissents.
Waft, Boudreau, JJ., not participating.

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.
Oklahoma Bar Association,

Filed March 13, 2001

Complainant,

v.

SCBD No. 3878
(consol. w/SCBD No. 4243)

CRAIG R. TWEEDY,

Respondent.

MOTION TO VACATE DECISION FOR
DUE PROCESS VOIDNESS

The Respondent, Craig Tweedy moves the Court to vacate the May 9, 2000 Decision, and remand this matter for a new hearing, by reason of the due process denied by the Rule 7.7 proceeding sprung by the Tribunal, without notice. The Tribunal usurped Rule 7.7 powers and arbitrarily precluded any opportunity to show cause to overcome the Bar charges and comity, as afforded by Rule 7.7 and due process. Those Rule 7.7 fiats and due process denials were subsumed and furthered by the "may only" defend by transcripts Decision of May 9, 2000, which is void for abrogating the Rule 7.7 safeguards and due process.

Absent just relief from the decisional voidness, the extraordinary denials of due process may well suggest to the Oklahoma attorneys and citizens that law, rights, ethics and So Help Me GOD Duties apply only at certain levels.

PRELIMINARY STATEMENT

Under the Fourteenth and Fifth Amendments to the United States Constitution, the Due Process Clause

guarantees that liberty and property interests "shall * * not be deprived * * without due process of law."

Tweedy's Petition for Certiorari Review by the United States Supreme Court in No. 00-868 presented denials of due process by the Rule 7.7 fiats of the Tribunal subsumed and extended by the May 9, 2000 Decision of this misapprehending Court in unfairly suspending Tweedy for six months. The suspension currently stayed.

The Bar charges were res judicata and comity based upon federal court decisions and sanctions, all of which denied due process. The three actual record claims filed by Tweedy, if permitted in evidence, would fairly show the good cause needed to overcome comity for the different claims imposed and merit for the Bar charges.

Yet Tweedy was unfairly and arbitrarily denied the opportunity to present this good cause under the res judicata exceptions affording his right to show "fraud or some other factor invalidating the judgment," Commissioner of Internal Revenue v. Sunnen (1948), 333 US 591, 597, 68 SCt 715, 719.

Notice is fundamental to due process. Tweedy was given notice that a fair and impartial Tribunal hearing on the actual Bar charges would commence on March 2, 1999. The noticed hearing did happen, nor did due process of law.

The Tribunal sprang an unauthorized Rule 7.7 proceeding, bootstrapped to Tweedy's 1993 suspension from federal practice, to arbitrarily affect a different hearing and deny due process. Rule 7.7 authorizes proceedings directly with the Court, not by the Bar's hearing Tribunal.

In so doing, the Tribunal abrogated the show cause and other due process safeguards against comity afforded by

Rule 7.7, Rules Governing Disciplinary Procedures, which provides that:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, * * by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the Chief Justice shall direct the lawyer to appear before the Supreme Court at a time certain, not less than ten (10) days after mailing of notice, and show cause, if any he/she has, why he/she should not be disciplined. The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer may submit a certified copy of transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma, in the interest. The lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline * * [Emphasis added].

While abrogating the show cause and other safeguards afforded by Rule 7.7, the Tribunal denied to Tweedy the Sunnen exceptions to res judicata for decisions usurping power or denying due process. Tweedy needed the Sunnen opportunity to show the actual record claims filed by him to overcome the frivolous claims imposed and basing the 1993 federal suspension. In defying Sunnen, the Tribunal applied res judicata to the 1993 federal suspension discipline and Rule 7.7, in name only, to usurp power and arbitrarily confine Tweedy to evidence in mitigation of the discipline intended. [Rulings, pp. 9-10 below]

On March 8, 1993, OBA General Counsel Dan Murdock had initiated a Rule 7.7 procedure with Chief Justice Hodges concerning the same 1993 federal suspension, where it appears that the Court denied comity for the good cause shown on September 27, 1994. No formal decision issued. Rationally, the Court had tacitly denied comity for good cause shown under the due process and fairness safeguards afforded by Rule 7.7.

However, by its May 9, 2000 decision, the Court did not apprehend its tacit denial of comity for the federal suspension in the 1993 Rule 7.7 proceeding, nor the unauthorized Rule 7.7 proceeding sprung by the Tribunal, without notice, nor that the Tribunal had usurped Rule 7.7 power to abrogate the due process safeguards afforded by Rule 7.7. Those abuses of Rule 7.7 and denials of due process were subsumed and furthered in the May 9, 2000 Opinion of the misapprehending Court.

Truth needs no disguise. Fundamental due process invalidates the Opinion and demands that his matter be remanded for a new hearing and opportunity for the Bar to reflect on the ethics charges lodged.

STATEMENT OF THE RECORD

The 1992 Complaint in SCBD No. 3878 charged frivolous conduct in violation of Rule 3.1, RPC. It gave res judicata force to federal court decisions in three case matters. Count III involved Burggaf v. Goodyear, filed in 1982; Count II involved Missouri Pacific ("Union Pacific") Railroad v. Cartwright and Al Mullen, wherein Tweedy entered as counsel in 1987; and Count I, §19, Graham v. American Airlines ("AA"). The actual record claims filed by Tweedy in federal and state court offered to explain, by record fact and law, that the Bar charges were meritless and formed false appearances.

Most of the 1992 Complaint centered on Count I, the AA related matter, where the record facts and authorities show denials of due process. They show that the newly discovered fraud claim against AA was filed in state court, but enjoined as a different and frivolous claim imposed in a 1992 federal injunctive proceedings, where Tweedy was a named defendant. They also show that different claims than filed by Tweedy were imposed in the Goodyear matter, Count III, and in the Union Pacific Matter, Count II. Tweedy was entitled to show the actual claims filed in order to explain that the frivolous claims imposed were not his work product. He was so entitled by due process and by Rule 3.1, RPC, which provides that:

> A lawyer shall not bring or defend a proceeding or assert or controvert an issue therein unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law * *

Then on January 15, 1993, Tweedy was suspended from federal court practice for a three year period for purportedly filing the frivolous claims asserted in Counts I. II and III to 1992 Bar Complaint No. SCBD 3878.

By letter dated March 8, 1993, OBA General Counsel notified Chief Justice Hodges of the 1993 federal suspension. This invoked the Rule 7.7 procedure and show cause notice to Tweedy. The Court granted extensions of response time to accommodate the Petition for Certiorari Review to the United States Supreme Court in No. 93-1746 asserting due process denials in the AA matter basing Count I of the 1992 Complaint in No. SCBD 3878.

On September 27-28, 1994, Tweedy timely filed his 39

page response indexed to the spiral bound three inch set federal court records and briefs, also filed in support. The record facts and authorities showed good cause against comity. It showed injunctive fiats imposing a different claim than filed against AA and that Tweedy was sanctioned for filing the frivolous claim imposed, which imposed claim, in turn, had based the 1993 suspension practice. The unfairness and due process denials showed good cause against comity for the 1993 federal suspension and underlying fiats benefiting AA. Thereafter, the Court stood mute. This rationally meant that the Court had given tacit or implied approval to the good cause shown against comity in the 1993 Rule 7.7 proceeding for the federal suspension and the Count I or AA related charges.

Yet by the January 24, 1997 Complaint in No. SCBD 4243, the Bar once again sought discipline for the 1993 federal suspension, while complaining that Tweedy's April 5, 1996 application for reinstatement from the three year suspension had denied his wrongdoing and had been denied on September 5, 1996.

On July 14, 2000, the 1992 and 1997 Complaints were consolidated for hearing by the Bar's Tribunal.

At the February 9, 1999 pretrial conference, the Tribunal Master refused to disqualify for the appearance of bias in representing big corporations. Tweedy argued that res judicata exceptions allowed him to show the denials of due process by the different claims imposed and unfairly basing the Bar charges and 1993 suspension from federal practice. He asserted that fiats had imposed different claims than filed, "like apples changed into oranges." Tweedy also argued that, "If res judicata were to be applied in this matter by the panel, my rights to a fair trial are fully and completely denied," and that he "wouldn't stand a chance." [Transcript, February 9, 1999, pp. 3, 6-7, 21-23, 25.]

The Complaints and pretrial procedures did not provide notice to Tweedy that a Rule 7.7 proceeding might be sprung by the Tribunal.

On February 22, 1999, Tweedy filed his 83 page Amended Answer which, like the 73 page Answer Brief, referenced the record documents filed in support with the Court.1 The Amended Answers centered on Sunnen and other controlling authorities working with the actual record claims filed to soundly show and overcome the different claims imposed.

Tweedy went pro se to the March 2, 1999 hearing. Under Rule 3.1 and the Sunnen exceptions to res judicata, he was entitled to the fair opportunity to show by witness testimony, record facts and law the actual record claims filed by him. This good cause would fairly overcome and the false appearances created by the frivolous claims imposed, the federal suspension and the Bar charges.

Tweedy came with record documents, authorities and four key witnesses. Al Mullen would testify that his claim for the railroad obstructing the public crossing became a private crossing claim where he became a crossing trespasser. Jerry Burggraf would testify to his actual price discrimination claim against Goodyear being altered, not by Tweedy. Lillian Graham and Jack Burke, the retired FAA Safety Inspector, would testify to how the new fraud claim against AA was discovered, as an adjunct to FAA's 1990 criminal investigation concerning forged FAR records; and that it had been filed in state court claim, but materially altered and enjoined from federal court, where Ms. Graham and Tweedy were named defendants.

However, such witness testimony and all substantive defenses were arbitrarily precluded at the unauthorized Rule 7.7 proceeding sprung by the Tribunal, without notice.

THE DUE PROCESS DENIED BY TRIBUNAL ABUSE OF RULE 7.7.

When the hearing commenced on March 2, 2000, Tweedy argued and sought to show that different claims than filed had been imposed, like "changing apples into orange" and that he had been unfairly suspended from federal practice for filing the frivolous claims imposed by fiat. He argued that Sunnen exceptions to res judicata allowed him to pierce the federal fiats and show the actual claims filed. However, the Tribunal refused to hear such substantive evidence and the testimony of his four witnesses to the claim alterations. Tweedy moved to disqualify the Tribunal Master for her demonstrated bias and denials of due process. [Hearing, March 2, 1999, pp. 10-16, 23-26, 28-30, 51-54].

The Tribunal used the 1993 federal suspension to spring and usurp Rule 7.7 power saying, in effect, you're guilty as charged and will not be heard.

The Tribunal ruled that it had "no authority" to hear evidence of fraud in federal court or "to uncover fraud" and would "only" hear evidence in mitigation of the discipline to be imposed. "I'm not restricting your defense, but your defense is to what's mitigating." [Tr. I, pp. 24-25, 31, 51-53, Tr. II, p. 51]. "In light of the Rule 7.7, our only duty here today is to determine the discipline, the nature and extent of the discipline" [Tr. I, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87]. This abuse of Rule 7.7 gave prohibited res judicata and comity force to judicial fiats denying due process. "The matter has been adjudicated and the federal court has found that you committed violations of

professional responsibility. You violated their rules and we're really here to impose discipline." [Id. p. 90]

As Rule 7.7 was being so sprung, Tweedy stated that, "There was a separate matter [the 1993 Rule 7.7 proceeding before the Court] involving that suspension that was responded to and it's not a part - - not before this Panel, that I'm aware of." [Tr. I, p. 68].

The Tribunal chose to deny a fair hearing. It had no authority to invoke Rule 7.7. Worse, it plainly usurped Rule 7.7 power to deny the due process opportunity afforded by Rule 7.7 to show "cause" and explain by "brief" why comity should be denied. Moreover, the Tribunal's Rule 7.7 fiats circumvented the Sunnen exceptions to res judicata and gleaned the truths arising from the actual record claims from the transcript, while creating false appearances for the Court.

THE MAY 9, 2000 DECISION BY THE MISAPPREHENDING COURT IS VOID FOR THE DUE PROCESS DENIED.

The Tribunal report to the Court provided falsely engineered appearances.

Tribunal fiats had abrogated the due process safeguards afforded by Rule 7.7 and Sunnen, yet those void affects were subsumed and furthered by the misapprehending Court.
By its May 9, 2000 Opinion, the misapprehending Court unfairly suspended Tweedy for a period of six months. It correctly stated that discipline imposed in another jurisdiction is "not binding on this Court," citing Rule 7.7, but constitutes "prima facie evidence that the lawyer committed the acts described." 2000 OK 37, ¶¶ 33-34. Then the misapprehending Court misruled that, under Rule 7.7, Tweedy had "admitted the underlying conduct alleged" by having admitted the fact of the federal decisions entered,

Decision at ¶39 and footnote 8. [Emphasis added]. This ruling provided res judicata and comity force to the federal decisions sought to be overcome by Tweedy. It said, in effect, that Rule 7.7 denied his opportunity to challenge those decisions with the actual record claims, under the show cause opportunity afforded by Rule 7.7 and the Sunnen for the due process denied. This ruling denied due process and abrogated the safeguards afforded by Rule 7.7 and the Sunnen exceptions to res judicata.

The Court in Commissioner of Internal Revenue v. Sunnen, 333 U.S. 591, 597, 68 S.Ct. 715, 719 (1948), reasoned that final judgments settle the actual issues decided, "absent fraud or some other factor invalidating the judgment" [Emphasis added]. Moreover, "Fraud destroys the validity of everything into which it enters," Nudd v. Burrows, 91 U.S. 426, 23 Led 286, 290 (1875); particularly when, "a judge himself is a party to the fraud," Cone v. Harris (Okl. 1924), 230 P2d 721, 723. "Fraud is the arch enemy of equity," State Ex Rel. Burk v. Oklahoma City (Okl. 1974), 522 P2d 612, 619.

Moreover, the Court did not apprehend the notice, show cause and explain by brief safeguards afforded by Rule 7.7 against comity. Thus, the Court found that Tweedy's "testimony and witnesses were designed to establish that the evidence in the federal proceedings did not furnish sufficient grounds to discipline him in Oklahoma." but clearly and unfairly misfound that, "Under Rule 7.7(b), this purpose may only be accomplished by submitting a certified copy of the transcript of the evidence taken in the other jurisdiction." Decision at ¶ 37, [Emphasis added].

This "may only" provide transcripts is not a restriction expressed in Rule 7.7, supra, which fairly provides otherwise: "the attorney shall * * upon * * notice * * show cause * * why he/she should not be disciplined. * * The

attorney **may** submit a certified transcript" [if given Rule 7.7 notice] * * **may also** submit, in the interest of explaining his/her conduct ** **a brief**" [Emphasis added].

The Court did not apprehend that Rule 7.7 does not authorize Tribunal proceedings, nor that Tweedy's first notice of a Rule 7.7 proceeding before the Tribunal came after the hearing began. Without prior notice, he had no opportunity to provide transcripts spanning years of multi-case litigation. Thus, the Court's "may only" ruling, in effect, usurped power and restriction unconferred by Rule 7.7 and denied due process to Tweedy.

Nor did the Court fairly apprehend that it, like the Tribunal, had precluded the first and third safeguards afforded by Rule 7.7 - the "show cause" and explain by "brief" against comity. The "show cause" safeguard afforded to Tweedy the opportunity to present the actual record claims and witness testimony needed to overcome the Bar charges and comity, once again, for the 1993 federal suspension.

The "explain" by "brief" safeguard and opportunity was rejected by the Tribunal and misapprehending Court. Tweedy had filed briefs and exhibits explaining the actual record claims offering to explain and fairly overcome the Bar charges and comity. This was explained by the 83 page Amended Answers and 71 page Answer Brief filed. It was also explained by the 39 page Response of September 27, 1994 showing good cause against comity for the 1993 federal suspension in the Rule 7.7 proceeding initiated before the Court in 1993.

This denied due process of law to Tweedy and voided the May 9, 2000 Opinion, as did its subsuming of the Rule 7.7 fiats, apparently, intended by the Tribunal.

Due process requires that the May 9, 2000 Opinion be vacated and that this matter be remanded for a new hearing, not only to protect the due process guaranteed to Tweedy, but the public and constitutional interests at stake.

FUNDAMENTAL ARGUMENTS AND AUTHORITIES

Due process guarantees the right to "an impartial and disinterested tribunal." Marshall v. Jerrico, 446 U.S. 238, 243, 100 S. Ct. 1610, 1613 (1980). It guarantees that rights and property interests "will not be taken on the basis of an erroneous or distorted conception of fact or the law" and ensures that "the arbiter is not predisposed to find against him." Id. [Emphasis added]

Such predisposed distortions of truth, fact and law, while usurping power under Rule 7.7, could not be more clear. The Tribunal ruled that:

I'm not restricting your defense, but your defense is to what's mitigating * * In light of the Rule 7.7, our only duty here today is to determine the discipline, the nature and extent of the discipline * * [F]raud" and "due process violations" are "not material to the issues before this Panel. * * The matter has been adjudicated and the federal court has found that you committed violations of professional responsibility. You violated their rules and we're really here to impose discipline.

The truths offered by the actual record claims were so disguised. Yet the misapprehending Court subsumed those Tribunal fiats, while itself usurping power to rule that, under Rule 7.7, Tweedy had "admitted the underlying conduct alleged" by admitting the fact of federal decisions rendered, and that he could not show substantive cause against comity,

because such a defense "may only" be accomplished by submitting transcripts.

The Tribunal and misapprehending Court had abused Rule 7.7 rulings and said to Tweedy, in arbitrary affect, "appear and you will be heard; and when he appears, saying, your appearance will not be recognized and you will not be heard * * a mere arbitrary edict." Windsor v. McVeigh (1876), 93 U.S. 276, 23 Led 914, 918.

Yet Rule 7.7 actually afforded the show cause and due process safeguards required by Selling v. Radford (1917), 243 U.S. 46, 37 S.Ct. 377, where the Court recognized an attorney's due process opportunity to show cause for one jurisdiction to deny comity to another. In Selling, 37 S. Ct. at 379, the Court reasoned that comity must be denied, if one of these defeats appears: "1) That the ** procedure, from want of notice or opportunity to be heard, was wanting in due process; 2), that there was such an infirmity of proof as to the facts found * *; 3), that some other grave reason existed * * (emphasis added).

The Tribunal acted in a predetermined and arbitrary manner to deny due process to Tweedy by plain usurpations of Rule 7.7 power, while abrogating the safeguards afforded by Rule 7.7 and due process. Those affects were subsumed and furthered by the "may only" defend by transcript ruling and Decision by the misapprehending Court. Accordingly, the May 9, 2000 Decision is void for its "plain usurpations of power" and for having "acted in a manner inconsistent with the due processes of law." VTA v. Airco, Inc. (CA 10, 1978), 597 F2d 220, 224-225; Stoll v. Gottlieb (1938), 305 US 165. 171, 59 SCt. 134, 137.

CONCLUSION

The clear denials of due process to Tweedy invalidate the May 9, 2000 Opinion and the Tribunal fiats subsumed. In short, Rule 7.7 fiats abrogated the due process opportunity to overcome the claims and sanctions unfairly imposed by fiat and basing the Bar charges.

The Petition for Certiorari Relief in No. 00-868 asserted the facts and due process denials stated in this Motion to Vacate, except for the 1993 Rule 7.7 proceeding. U. S. Supreme Court Rule 15(2) obligated the Bar to advise "any perceived misstatements of fact or law in the petition." On January 2, 2001, the Bar waived its response. The Bar's silence is deafening.

It appears that Tweedy raised hackles at high levels by applying So Help Me GOD Duties in defense of the Constitution and client rights with record facts and controlling authorities. Yet this duty of an attorney is required by this Court and by Title 5, Oklahoma Statutes, Laws 1910, as follows:

> * * You do solemnly swear that you will support, protect and defend the constitution * * do no falsehood or consent that any be done in court, and * * you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, due or procure to be sued, any false or unlawful suit, or give aid or consent to the same * * so help you God. [Emphasis added]

Yet by its May 9, 2000 Opinion, the misapprehending Court had, in unintended effect, signaled that this duty, coupled with sound fact and law, may not apply against powerful parties, particularly in federal court, because the Oklahoma Bar Association is watching. The signal transcends the clear denials of due process to Craig Tweedy

in importance. It signals that significant public and constitutional interests are at stake.

Due process demands that the Court vacate the May 9, 2000 Opinion and afford an opportunity for Tweedy [and the actual record claims] to be fairly heard before an impartial tribunal and the Bar's review of the ethics charges.

RESPECTFULLY SUBMITTED,

(s) Allen MItchell,OBA #6264
P.O. Box 190
Sapulpa, OK 74067-0190
918-224-5750
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Vacate Decision for Due Process Voidness was mailed on this 13th day of March, 2001 to Dan Murdock, General Counsel for the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152, by depositing the same in the U. S. Mails, postage prepaid.

(s) Allen Mitchell

1 In preparing the Amended Answers, the exhibits were generically referenced while awaiting the Bar's exhibit list in order to avoid exhibit duplications and enable exhibits letters or numbers. However, the Bar's exhibit list was not timely received and because of filing constraints, the generic references had to be retained and, as a result, the Answer Brief had to follow suit. Apologies to the Court..

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.
Oklahoma Bar Association,

Filed March 16, 2001

Complainant,

v. OBAD #1085

CRAIG R. TWEEDY, SCBD #3878

Respondent.

STATE OF OKLAHOMA ex rel. CONSOLIDATED
Oklahoma Bar Association, WITH

Complainant,

v. OBAD #1292

CRAIG R. TWEEDY, SCBD #4243

Respondent.

RESPONSE BY OKLAHOMA BAR ASSOCIATION TO MOTION TO VACATE AND MOTION TO STAY

COMES NOW Dan Murdock, General Counsel for the Complainant, Oklahoma Bar Association, and hereby responds to the Motion to Vacate and Motion to Stay filed herein by the Respondent on March 15, 2001, and requests that each motion be denied as Respondent now seeks to relitigate the issues previously resolved by this Court and the

U.S. Supreme Court and further demonstrates the conduct which caused discipline to be originally imposed.

(s) Dan Murdock, OBA #6521
General Counsel
Oklahoma Bar Association
P. 0. Box 53036
Oklahoma City, OK 73152-3036
405-416-7007
ATTORNEY FOR COMPLAINANT

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 16th day of March, 2001 a true and correct copy of the foregoing was mailed to: Allen Mitchell, Attorney for Respondent, P.O. Box 190, Sapulpa, OK 74067-0190 and Craig R, Tweedy, at 202 Wells Buildin2. Sapulpa, Oklahoma 74066.

(s) Dan Murdock

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel. Oklahoma Bar Association,

Mailed March 24, 2001

Complainant,

v.

SCBD No. 3878
(consol. w/SCBD No. 4243)

CRAIG R. TWEEDY,

Respondent.

REPLY IN SUPPORT OF MOTION
TO STAY AND MOTION TO VACATE

The Respondent, Craig Tweedy, replies to the March 16, 2002 Response of the Oklahoma Bar Association (the "Bar") in opposition to the Motion to Stay and Motion to Vacate and states to the Court that:

1. Contrary to the Bar's Response, the Court has not apprehended and "resolved" the fundamental ground of its May 9, 2000 Opinion being void for the Rule 7.7 fiats used to abrogate and deny due process and the due process safeguards afforded by Rule 7.7 against comity. This is the fundamental ground of the Motion to Vacate.

2. The Tribunal lacked subject matter jurisdiction under Rule 7.7, RGDP. The Tribunal's Rule 7.7 rulings and fiats were "void ab initio." State ex rel. Burk v. Oklahoma City (Okl. 1974), 522 P2d. 612, 618. The parties may not confer jurisdiction by consent. California v. La Rue (1972), 400 US 109, 93 SCt. 390.

3. The pro se Answer Brief and Petition for Rehearing of Respondent focused on the actual record claims excluded from evidence and consideration, without any apparent mention of Rule 7.7. It appears that the pro se Respondent, like this Court, did not then apprehend the Rule 7.7 proceeding sprung by the Tribunal, without Rule 7.7 authority or subject matter jurisdiction. The Rule 7.7 fiats denied to the pro se Respondent any due process opportunity to present substantive defenses for consideration in the ethics matter.

4. With the assistance of counsel, this fundamental ground of Rule 7.7 fiats denying the due process opportunity to present substantive evidence and overcome comity was presented to the United States Supreme Court. The petition was denied for writ consideration. Such a denial imports "no expression on the merits." United States v. Carver (1923), 260 U.S. 482, 490, 43 SCt 181. Accordingly, this fundamental ground was not "resolved" by the United States Supreme Court, as asserted by the Bar's Response.

5. The Bar has conceded this fundamental ground of Rule 7.7 fiats denying due process. U. S. Supreme Court Rule 15(2) obligated the Bar to show "any perceived misstatements of fact or law in the petition." Yet on January 2, 2001, the Bar waived any response. Under the doctrine of admissions by silence, Great American Life Ins. v. Stephenson (Okla 1936), 55 P2d 56, the Bar confessed this fundamental voidness ground by having conceded the issues, fact and law presented by the petition to the United States Supreme Court in No. 00-868.

6. The Motion to Vacate carries forward the same fundamental ground of the Rule 7.7 fiats, due process denials and decisional voidness presented to the United States Supreme Court and conceded by the Bar's January 2, 2001 silence by waiver.

5. The Bar's March 16, 2001 Response to this Court extended its silence as to substance, while presenting to the Court the appearance that Respondent:
now seeks to relitigate the issues previously resolved by this Court and the U.S. Supreme Court and further demonstrates the conduct which caused discipline to be originally imposed.

6. The Bar did not seek to explain away the Rule 7.7 fiats and due process denials shown by the Motion to Vacate, nor that Rule 7.7 safeguards had been abrogated by the Rule 7.7 fiats affected by the Tribunal and subsumed and extended by the May 9, 2000 Opinion of this misapprehending Court.

7. Fundamental due process and the judicial and public interests are at stake in this ethics matter. The Bar should be directed to respond to the Motion to Vacate in a substantive and genuine manner or confess it.

IN CONCLUSION, the Respondent, Craig Tweedy, states that the Court's grant of the requested stay and of the Motion to Vacate will serve to protect fundamental due process and the judicial and public interests, without impeding any proper interests of the Bar.

RESPECTFULLY SUBMITTED,

(s) Allen Mitchell, OBA #6264
P.O. Box 190
Sapulpa, OK 74067-0190
918-224-5750
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed on this 24th day of March, 2001 to Dan Murdock, General Counsel for the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152, by depositing the same in the U. S. Mails, postage prepaid.

(s) Allen Mitchell

IN THE SUPREME COURT OF THE
STATE OF OKIAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association,

Filed April 23, 2001

Complainant,

v.

No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

ORDER

¶1 On July 14, 2000, this Court suspended the effectiveness of the opinion filed in this matter on May 9, 2000, and the order denying rehearing filed on June 19, 2000, until expiration of the time to file a petition for writ of certiorari in the United States Supreme Court or disposition of a petition for writ of certiorari. The United States Supreme Court denied Respondent's Petition for Writ of Certiorari on February 20, 2001.

¶2 On March 13, 2001, Respondent filed a Motion to Vacate Decision for Due Process Violations and Motion to Stay Effectiveness of Opinion. These motions are denied. This Court's opinion imposing a six-month suspension and order denying rehearing are effective ten days from the date this order is filed.

¶3 The Clerk of the Oklahoma Supreme Court is directed to send a copy of this order to the respondent's attomey of record by certified mail, return receipt requested.

¶4 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 23rd DAY OF APRIL, 2001.

(s). Ralph Hargraves, Chief Justice

¶5 Hargrave, C.J., Hodges, Lavender, Kauger, summers, Boudreau,
Winchester, JJ., concur.

¶6 Watt, V.C.J., not participating.

IN THE SUPREME COURT OF THE
STATE OF OKIAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association, Filed May 4, 2001

Complainant,

v. No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

PETITION FOR REHEARING

Craig Tweedy, as Respondent, petitions the Court to rehear and grant his Motion to Vacate Decision for Due Process Voidness of the Court's May 9, 2000 Opinion as denied by the Court's Opinion of April 23, 2001.

The Clarifying Due Process Points.

The May 9, 2000 Opinion relies upon a rule not charged, alleged or mentioned by the Bar Complaints. That is, Respondent was charged one way and prosecuted and convicted another way in denial of due process. Respondent is entitled to reconsideration of the Court's April 23, 2001 Order and the withdrawal of the May 9, 2000 Opinion because of denial of due process at the Tribunal hearing.

The Bar Complaints charged specific Rules violations, but did not charge and give notice that discipline under Rule 7.7, RGDP, would be sought or that said Rule 7.7 had any application.. Rule 7.7 is a separate rule for imposition of discipline. The Tribunal's use of Rule 7.7, without notice, was an abuse of Rule 7.7 and deprived

Respondent of fundamental due process and his opportunity to substantively defend against the facts alleged and rules violations charged by the Bar Complaints.

The 1992 Bar Complaint, SCBD 4243, alleged violations of Rule 3.1, ORPC, for frivolous litigation in federal court.

The 1996 Bar Complaint, SCBD No. 4243, alleged violations of Rules 1,1, 3.1, 8.2, and 8.4(d), ORPC, and Rule 1.3, RGDP, for Respondent being suspended from federal practice and being denied reinstatement in 1996.

The Bar Complaints never alleged that Respondent would be subject to discipline or procedures under Rule 7.7 at the Tribunal hearing. The Tribunal Report to the Court makes no reference to its restrictive ruling and findings, under Rule 7.7. The Tribunal used Rule 7.7 to deny to Respondent any opportunity to present the substantive defenses he was entitled to present in response to facts and rules violations alleged. This ended the hearing, when it started. Respondent was not heard. The rulings under Rule 7.7 abrogated the notice, "show cause" and other due process safeguards afforded against comity by Rule 7.7, RGDP. Rule 7.7 provides in part:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding * * by a federal court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the Chief Justice shall direct the lawyer to appear before the Supreme Court at a time certain, not less than ten (10) days after mailing of notice, and show cause, if any he/she has, why he/she should not be disciplined. The lawyer may submit a certified copy of transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer may also submit, in

the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief * *.

In appearing before the Tribunal, Respondent was prepared to defend against the allegations with substantive evidence as entitled by the charged violations, including Rule 3.1, ORPC. Respondent was prepared to show that his litigation conduct was sound and not frivolous. In essence, Rule 3.1 provides that a lawyer shall not bring a proceeding unless there is a basis for doing so which is not frivolous, as shown by the Comments to Rule 3.1, ORPC, which provides in part:

> The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.
>
> The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the client desires to have the action taken primarily for the purpose of harassing or maliciously injuring a person or if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.

Rule 3.1 entitled Respondent to show by substantive evidence that the claims filed by him were not frivolous. It also entitled him to show that no claim was filed by him because a client desired to harass or maliciously injure other parties. In showing that his conduct was not frivolous, Respondent was entitled to show the due process violated by the federal decisions basing the Bar Complaints.

Respondent was prevented from presenting the evidence in response to the rule violations alleged, because the Tribunal invoked and abused Rule 7.7, RGDP, after the hearing had began and without prior notice. In using and abusing Rule 7.7, the Tribunal denied due process by refusing to hear the "show cause" evidence and other due process safeguard afforded by Rule 7.7. "I'm not restricting your defense, but your defense is to what's mitigating." [Tr. I, pp. 24-25, 31, 51-53, Tr. II, p. 51]. "In light of the Rule 7.7, our only duty here today is to determine the discipline, the nature and extent of the discipline" [Tr. I, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87]. "The matter has been adjudicated and the federal court has found that you committed violations of professional responsibility. You violated their rules and we're really here to impose discipline." [Id. p. 90]. It was like appear and you will not be heard.

The Tribunal's Report to the Court found and concluded violations of Rules 3.1, 4.2 and 8.4, RPC and Rule 1.3, GRDP. The Report did not advise the Court that the Tribunal had applied Rule 7.7 without the "ten (10) days" notice required, nor that it had misused Rule 7.7 to preclude any opportunity for the Respondent to present the "show cause" defenses afforded by Rule 7.7 and the defenses entitled by Rule 3.1, ORPC. Respondent was not heard and fundamental due process was denied to him.

The Tribunal's denials of due process by using Rule 7.7 were incorporated into and made a part of this Court's May 9, 2000 Opinion. This Court noted that the Respondent's "testimony and witnesses were designed to establish that the evidence in the federal proceedings did not furnish sufficient grounds to discipline him in Oklahoma," but unfairly that, "Under Rule 7.7(b), this purpose "may only" be accomplished by submitting a certified copy of the transcript of the evidence taken in the other jurisdiction." Opinion at ¶ 37, [Emphasis added].

This "may only" defend by transcripts cannot be found in Rule 7.7. After affording "show cause" defenses against comity, Rule 7.7 adds "may" defend with transcripts. For argument sake, if the "may only" restriction had existed, without notice being given, Respondent was denied any opportunity to gather and provide the federal transcripts needed.

Rule 7.7 comports with the due process safeguards announced in Selling v. Radford (1917), 243 U.S. 46, 37 S.Ct. 377, where the Court recognized an attorney's due process opportunity to show cause for one jurisdiction to deny comity to another. In Selling, 37 S. Ct. at 379, the Court reasoned that comity must be denied, if one of the following defects exist: "1) That the * * procedure, from want of notice or opportunity to be heard, was wanting in due process; 2), that there was such an infirmity of proof as to the facts found * *; 3), that some other grave reason existed * * (emphasis added). Under Selling, the "grave reasons" are the "want notice and any opportunity to be heard" nullify this Court's May 9, 2000 Opinion, as do the due process safeguards afforded by Rule 7.7, but abrogated.

This last minute use of Rule 7.7, RGDP, by the Bar Tribunal was a clear denial of due process. Respondent sought to substantively defend against the facts and rules

violations alleged and as entitled by rules violations actually alleged, specifically Rule 3.1, ORPC. Respondent and the hearing were bound by the discipline and restrictions imposed by the Tribunal under Rule 7.7, without notice of Rule 7.7, RGDP, uncharged by the Bar Complaints..

This was a clear denial of due process. The May 9, 2000 Opinion adopted and continued the Tribunal's use and abuse of Rule 7.7, GRDP.

In Section VIII of the May 9, 2000 Opinion, the issue of disciplinary action in other jurisdictions is discussed and resolved against Respondent. There was no finding by the Tribunal concerning Rule 7.7, GRDP. There was no notice from the Court or Bar Association that Rule 7.7 would be invoked at the Tribunal hearing.

The due process safeguards required by Selling v. Radford, 243 U.S. 46, 37 S.Ct. 377, 379 (1917) apply, holding that the "want of notice or opportunity to be heard.was wanting in due process." Respondent had no notice that the Tribunal would procede and consider discipline under Rule 7.7, GRDP. When Rule 7.7 was applied, as explained above, the Respondent was not heard.

CONCLUSION

Due process was denied to Respondent from a complete lack of notice that the Tribunal would consider discipline under Rule 7.7, GRDP. This denied Respondent his opportunity to prepare for the way the Tribunal was proceeding. The Tribunal's use and misuse of Rule 7.7 deprived Respondent of any substantive opportunity to defend and explain why he had not violated the rules actually charged by the Bar Complaints.

It would be proper for the Court to pause and direct

the Bar Association to explain why Rule 7.7 discipline was invoked by the Tribunal, without notice; and why Rule 7.7 was not abused to preclude the "show cause" defenses afforded by Rule 7.7 against comity; any why Rule 7.7 was not abused to preclude any opportunity to present substantive defenses, as entitled by Rule 3.1 and other rules violations charged by the Bar Complaints.

Under the facts, the Court's Opinion of May 9, 2000 must be withdrawn for the due process denied to Respondent, Craig Tweedy, and this matter should be remanded for a new and due process hearing with proper instructions and notice.

RESPECTFULLY SUBMITTED,

(s) ALLEN MITCHELL, OBA #6264
P.O. Box 190
Sapulpa, OK 74067-0190
918-224-5750
ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was mailed on this 4th day of May, 2001 to Dan Murdock, General Counsel for the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152, depositing the same in the U. S. Mails, postage prepaid.

(s) Allen Mitchell

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.
Oklahoma Bar Association,

Filed May 8, 2001

Complainant,

v. OBAD #1085

CRAIG R. TWEEDY, SCBD #3878

Respondent.

STATE OF OKLAHOMA ex rel. CONSOLIDATED
Oklahoma Bar Association, WITH

Complainant,

v. OBAD #1292

CRAIG R. TWEEDY, SCBD #4243

Respondent.

RESPONSE BY OKLAHOMA BAR ASSOCIATION TO THIRD PETITION FOR REHEARING AND MOTION TO STAY EFFECTIVENESS OF OPINIONS

COMES NOW Dan Murdock, General Counsel for the Complainant, Oklahoma Bar Association, and hereby responds to the Petition for Rehearing and Motion to Stay Effectiveness of Opinions filed herein by the Respondent on May 4, 2001, and requests that each motion be denied and that discipline be imposed instanter as Respondent now seeks to relitigate the issues previously resolved by this Court on May 9, 2000 and April 23, 2001 and by the U.S.

Supreme Court and again further demonstrates the conduct which caused discipline to be originally imposed,

(s) Dan Murdock, OBA #6521
General Counsel
Oklahoma Bar Association
P. 0. Box 53036
Oklahoma City, OK 73152-3036 405-416-7007
ATTORNEY FOR COMPLAINANT

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 8th day of May, 2001 a true and correct copy of the foregoing was mailed to: Allen Mitchell, Attorney for Respondent, P.O. Box 190, Sapulpa, OK 74067-0190 and Craig R. Tweedy, at 202 Wells Building, Sapulpa, Oklahoma 74066.

(s) Dan Murdock

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association,

Filed May 15, 2001

Complainant,

v.

No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

REPLY TO RESPONSE OF OKLAHOMA BAR ASSOCIATION

The Respondent, Craig Tweedy, replies to the May 8, 2001, Response of the Oklahoma Bar Association (the "Bar") and states to the Court that his May 4, 2001 Petition for Rehearing states lawful grounds and reasons for this Court to reconsider and withdraw the Court's May 9, 2000 Opinion. The use of Rule 7.7 without notice was not recognized by Respondent when he filed his pro se Petition for Hearing of May 30, 2000. The United States Supreme Court did not rule on any issues, merely denying certiorari review. The use of Rule 7.7 as applied by the Tribunal were incorporated by this Court. Respondent in good faith raises this issue which denied fundamental due process and is a proper ground for rehearing at this time and withdrawal of said Opinion.

The April 23, 2001, Order of this Court has not been modified or withdrawn and Respondent considers the suspension to be in effect.

The Use of Rule 7.7, Without Notice, Denied Due Process But Were Withheld From The Court, And Not Reported By The Bar And Tribunal.

Several controlling record factors merge to clarify the nullifying facts withheld from the Court by the Bar and hearing Tribunal.

1. No order by the Court delegated its exclusive Rule 7.7, GRDP, authority to the hearing Tribunal.

2. Rule 7.7, GRDP, requires not less than "ten (10) days" notice and fairly affords "show cause" defenses and other due process safeguards against comity. No notice was given.

3. The 1992 Bar Complaint, SCBD 3878, and 1997 Bar Complaint, SCBD 4243, charged specific rules violations, but did not mention Rule 7.7, GRDP, nor provide notice to Respondent the Rule 7.7 could be invoked at the Tribunal hearing.

4. The May 3, 1999 Tribunal Report found violation of Rule 3.1, 4.2 and 8.4 RPC, and Rule 1.5, GRDP, but made no mention of Rule 7.7. The Tribunal failed to inform the Court of the uses of Rule 7.7, without prehearing notice, to arbitrarily preclude the "show cause" defenses and other due process safeguards afforded by Rule 7.7 against comity, and the substantive defenses entitled by the rules violations charged.

5. All of the conclusions of the Tribunal Report are based on its use of Rule 7.7 to exclude Respondent's evidence. The due process denied by the Tribunal's use of Rule 7.7, without notice, was adopted by and included in this Court's May 9, 2000 Opinion.

The use of Rule 7.7 by the Tribunal suppressed the defenses Respondent was entitled to present under the Rule 3.1 violation as charged. The use of Rule 7.7 by the Tribunal prevented Respondent from being able to show that his actual conduct was not frivolous.

When filing, his earlier briefs herein, the pro se Respondent, like the Court, had not recognized the use of Rule 7.7, without notice. Rather, the outraged Respondent addressed the settled authorities which were abrogated in precluding his substantive defenses and right to be heard.

The facts which nullify the earlier Opinion of this Court, the uses of Rule 7.7 without notice in denying the due process, were first recognized and raised, with the assistance of counsel, by the Petition for Writ of Certiorari in US Set No. 00-868. Therein, the Tribunal's use of Rule 7.7, without notice, were pieced together and shown:

> "I'm not restricting your defense, but your defense is to what's mitigating." [Tr. I, pp. 22-25, 31, 51-53, Tr. II, p. 51]. "In light of the Rule 7.7 , our only duty here today is to determine the discipline, the nature and extent of the discipline" [Tr. I, pp. 65-66]. "[F]raud" and "due process violations" are "not material to the issues before this Panel." [Id. p. 87]. "The matter has been adjudicated and the federal court has found that you committed violations of professional responsibility. You violated their rules and we're really here to impose discipline." [Id. p. 90]

This issue was not resolved by the United States Supreme Court, as contended by the Bar. The United States Supreme Court merely refused to grant certiorari review.

The March 13, 2001 Motion to Vacate advanced to this

Court this use of Rule 7.7, without notice, to deny the right to be heard and due process. This "want of notice or opportunity to be heard" denies fundamental due process. Selling v. Radford (1917), 243 US 46, 37 SCt 377, 379.

This Court's order of April 23, 2001 did not reach the issue of the denial of fundamental due process by the uses of Rule 7.7, without notice, to suppress the defenses entitled by Rule 7.7 itself and the rules violations charged. The May 4, 2001 Petition for Rehearing was filed as a clarifying and proper pleading to present the facts the issues stated.

Unlike the pro se Petition for Rehearing, the May 4, 2001 Petition for Rehearing clarifies and presents the due process denied, but withheld from the Court by the Tribunal Report and Bar. It clarifies and presents the uses of Rule 7.7, without notice, in refusing to hear the Respondent and his entitled defenses. This nullifying fact clarifies why the Court must vacate its May 9, 2000 and April 23, 2001 Opinions for the denials of due process adopted.

The Bar Response does not dispute the facts and law asserted, but seeks to circumvent it by urging sanctions. In effect, the Bar says its too late to present the hearing chaos and Tribunal Report, which caused this Court not to recognize the improper use of Rule 7.7, without notice, to deny any opportunity to be heard.

The May 4, 2001 Petition for Rehearing, like this Reply, uses Rule 7.7, GRDP, the failure of notice and Tribunal Report to clarify why the Court's Opinion of May 9, 2000 must be vacated to protect the due process denied.

CONCLUSION

The Respondent, like the Court, did not see what the Bar and Tribunal did, but withheld, in denial of due process.

If meritless, the charges should have been dismissed. The Bar should not benefit from the nullifying facts withheld from the Court.

The Respondent submits that the underlying scope and magnitude of this matter calls upon the Court and each Justice to protect due process guaranteed to him in order to protect and defend the Constitution, rule of law and rights of all others.

Although his Motion to Stay is filed, the Respondent is honoring the Court's Order of April 23, 2001 by not practicing law.

Respondent believes that the issues presented are material and important in this case in that they involve fundamental rights of notice and due process and involve Respondent's license and livelihood. This Reply and the earlier Motion are filed and presented in good faith.

The Respondent, Craig Tweedy, respectfully urges the Court promptly to grant the requested stay pending the Court's just reconsideration and grant of the Motion to Vacate by vacating its Opinion of May 9, 2000.

Respectfully Submitted,

(s) Allen Mitchell, OBA # 6264
P. O. Box 190
Sapulpa, Oklahoma 74067-0190
Attorney for Respondent

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing instrument was mailed on this _15th_ day of May, 2001 to Dan Murdock, General Counsel for the Oklahoma Bar Association, P. O. Box 53036, Oklahoma City, Oklahoma 73152, by depositing the same in the U.S. Mails, postage prepaid.

(s) Allen Mitchell

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association.
Complainant,

Filed May 14, 2001

v.

No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,
Respondent.

ORDER

¶1 Respondent's petition for rehearing and motion to stay filed on May 4, 2001, are denied. The respondent may be subject to sanctions for filing motions or pleadings in this consolidated bar disciplinary matter after the date of this order. This Court's opinion imposing a six-month suspension and order denying rehearing shall become effective May 18, 2001.

¶2 The Clerk of the Oklahoma Supreme Court is directed to send a copy of this order to the respondent's attorney of record by certified mail, return receiptrequested.

¶3 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 14th DAY OF MAY, 2001.

(s) Ralph Hargraves, Chief Justice

Hargrave, C.J., Hodges, Lavender, Opala, Kauger, Boudreau, Winchester, JJ., concur.
Summers, J., concurs in part; dissents; in part.
Watt, V.C.J., not participating.

IN THE SUPREME COURT OF THE
STATE OF OKIAHOMA

State of Oklahoma ex rel. Oklahoma
Bar Association, Filed May 17, 2001

Complainant,

v. No. SCBD 3878
(cons. w/SCBD 4243)

Craig R. Tweedy,

Respondent.

MOTION TO SUSPEND EFFECTIVENESS OF MANDATE

The Respondent, Craig R. Tweedy, moves this Court to stay the effectiveness of its April 23, 2001 and May 14, 2001 Orders. Under Oklahoma Supreme Court Rule 1. 16:

> If a party contemplates the filing of a petition for writ of certiorari in the United States Supreme Court, the party may file a motion to suspend the effectiveness of the mandate. The effectiveness of the mandate may be suspended upon order of the Court until expiration of time to file the petition or notice of final disposition by the United States Supreme Court.

Respondent advises the Court that he contemplates and will file a petition for writ of certiorari with the United States Supreme Court from these Orders, and requests this Court to suspend the effectiveness of its April 23, 2001 and May 14, 2001 Orders until the expiration of time to file the

petition for writ of certiorari or notice of final disposition by the United States Supreme Court.

Respondent asserts that such a petition is necessary to secure a new trial by reason of his fundamental right to notice and a fair opportunity to be heard being denied by the Oklahoma Bar Association (the "Bar") and hearing Tribunal and by this Court's Opinions of May 9, 2000, April 23, 2001 and May 14, 2001.

The petition for certiorari will present the uses of Rule 7.7, GRDP, without notice,which denied to the Respondent any due process opportunity to be heard.

No order by the Court delegated Rule 7.7, GRDP, authority to the hearing Tribunal. Under reading of said Rule, use of the Rule is exclusive to the Oklahoma Supreme Court.

Rule 7.7, GRDP, requires not less than "ten (IO) days" notice in affording "show cause" defenses and other due process safeguards. No such notice was given.

The 1992 Bar Complaint, SCBD 3878, and 1997 Bar Complaint, SCBD 4243, charged specific rules violations, but did not mention Rule 7.7, GRDP, nor provide notice that Rule 7.7 would be used at the Tribunal hearing.

The May 3, 1999 Tribunal Report concluded there were violations of specific rules charged, but did not report to this Court the use of Rule 7.7, without notice, to preclude both the "show cause" defenses afforded by Rule 7.7, and the defenses entitled by the rules charged.

All rules violation conclusions of the Tribunal Report are based on its use of Rule 7.7, without notice, to arbitrarily exclude the defenses entitled to Respondent and deny Respondent's right to be heard. Those uses and effects were not reported by the Tribunal Report and Bar to this Court, causing this Court to adopt and rely on the Tribunal findings of violations in its May 9, 2000 Opinion.

This use of Rule 7.7, without notice, was discovered and first presented to this Court by the March 13, 2001

Motion to Vacate its May 9, 2000 Opinion. But said motion was denied by this Court's April 23, 2001 Opinion, without explanation.

The May 4, 2001 Petition for Rehearing clarified the uses of Rule 7.7, used without notice, in denying due process. The Petition for Rehearing was denied without explanation.

The Bar has not sought to dispute the facts and law asserted by the Motion to Vacate and the May 4, 2001 Petition for Rehearing, demanding only imposition of sanctions.

The "want of notice or opportunity to be heard" denies due process, Selling v. Radford (I 917), 243 US 46, 37 SCt 377, 379.

The requested stay is appropriate to afford Respondent his opportunity to secure and protect his fundamental due process right and opportunity to be fairly heard, along with his reputation and livelihood.

The grant of the requested stay will not be detrimental to the public interests, nor to any proper interests of the Bar.

Respectfully Submitted,

(a) Allen Mitchell, OBA # 6264
P. 0. Box 190
Sapulpa, Oklahoma 74067-0190
918-224-5750
Attorney for Respondent

Certificate of Mailing

I hereby certify that a true and correct copy of the foregoing instrument was mailed on this 17th day of May, 2001 to Dan Murdock, General Counsel, Oklahoma Bar Association, P. 0. Box 53036, Oklahoma City, Oklahoma 73152, by depositing the same in the U.S. Mails, postage prepaid.

(s) Allen Mitchell

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association. Filed May 25, 2001-

Complainant,

v.

No. SCBD 3878
(cons.w/SCBD4243

Craig R. Tweedy,

Respondent.

ORDER

The respondent has filed a motion to suspend the effectiveness of the mandate in this bar disciplinary matter because he contemplates filing a petition for writ of certiorari with the United States Supreme Court. No mandate is issued in original proceedings such as this. Oklahoma Supreme Court Rules, Okla. Stat. tit. 12, ch. 15, app., rule 1.16 (Supp. 1997).

The respondent's motion, treated as a motion to suspend the effectiveness of the order of suspension, is denied. The order of May 14, 2001 retains its effectiveness. Pleading filed after May 14, 2001 have not and will not serve to delay the commencement of respondent's suspension. The practice of law by respondent after May 18, 2001 is unauthorized pursuant to the order of May 14, 2001.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 24 th DAY OF MAY, 2001.

(s) Ralph Hargraves,
Chief Justice

Hargrave, C.J., Hodges, Lavender, Opala, Kauger, Summers, Boudreau, JJ., concur.
Winchester, J., concurs in part; dissents in part:

Our order of May 14, 2001 warned Respondent of sanctions for filing additional pleadings. On May 17, 2001 Respondent filed his "Motion to Suspend Effectiveness of Mandate" and refers to our order of May 14, 2001. I would issue a show cause order to Respondent as to why sanction should not be imposed.

Waft, V.C.J., not participating.

The So Help Me GOD Duty imposed, in part, by Title 5, Oklahoma Statutes, Laws 1910, §2. provides that:

> Upon being permitted to practice law as attorneys and counselors at law, they shall, in open court, take the following oath: You do solemnly swear that you will support, protect and defend the Constitution of the United States; and the Constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, due or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in the court according to your best learning and discretion, with all good fidelity as well to the court as to your client, so help you God. [Emphasis added]

Oklahoma Rules Governing Disciplinary Procedure, Rule 7.7(b) affords notice and due process safeguards against comity, as follows:

> When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, except contempt proceedings, by the highest court of another State or by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the **Chief Justice shall direct the lawyer to appear before the Supreme Court** at a time certain, not less than ten (10) days **after** mailing of **notice,** and **show cause**, if any he/she has, **why he/she should not be disciplined.** The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer **may** submit a certified copy of the transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer **may** also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a **brief** and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting a recommendation of discipline. [Emphasis added]